

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Richard Deon Mansfield,	:	
Petitioner	:	Civil Action 2:08-cv-00692
v.	:	Judge Holschuh
Adult Parole Authority and Kelly Barnett,	:	Magistrate Judge Abel
Respondents	:	

ORDER

Petitioner Richard Deon Mansfield, a State prisoner, brings this action which he characterizes as a civil rights complaint under 42 U.S.C. § 1983, but which the Court treats as a petition for writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is in custody in violation of the Constitution of the United States. This matter is before the Court on Magistrate Judge Abel's July 25, 2008 Report and Recommendation that the petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed because it fails to state a claim for relief under 42 U.S.C. § 1983 and because petitioner has failed to exhaust his Ohio court remedies for his federal habeas corpus claims.

The parties were warned that failure to file timely objections to the Report and Recommendation would result in waiver of the right to *de novo* review by a District Judge and waiver of the right to appeal the judgment of the District Court. Petitioner received a copy of the Report and Recommendation via certified mail on September 4,

2008. Although the Court extended the time to file objections through September 17, 2008, no objections have been filed.

The Court therefore **ADOPTS** the Report and Recommendation (Doc. 2), and **DENIES** the petition for writ of habeas corpus. This action is hereby **DISMISSED** for failure to state a claim under 42 U.S.C. § 1983 and for Petitioner's failure to exhaust his Ohio court remedies for his federal habeas corpus claims. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** for Respondents.

IT IS SO ORDERED.

Date: September 19, 2008

/s/ John D. Holschuh
John D. Holschuh
United States District Judge